

**Honorable City Planning Commission
Cincinnati, Ohio**

July 7, 2006

SUBJECT: A report and recommendation on a zone change request for property bounded by Warsaw, McPherson, Van Vey, and Enright Avenues in the community of East Price Hill.

GENERAL INFORMATION:

Owner/Petitioner: The Kroger Companies
960 Enright Avenue
Cincinnati, Ohio 45205

Agent: Kevin Peyton
130 Tri County Parkway
Cincinnati, Ohio 45246

Request: A change of zoning for the property bounded by Warsaw, McPherson, Van Vey, and Enright Avenues in East Price Hill from an SF-2 Single-Family District and CC-M Commercial Community-Mixed District to a CC-A Commercial Community Auto-Oriented District.

Staff Conference: On June 15, 2006, a staff conference was held to gather information on the requested zone change for the property bounded by Warsaw, McPherson, Van Vey, and Enright Avenues. All in attendance spoke in support of the study and proposed changes. A summary of the conference is attached.

BACKGROUND:

Zoning History: The existing Kroger store is over 20 years old. Kroger wishes to build a new 63,000 square foot store along with a gasoline island. The City is negotiating with Kroger on providing public assistance for development of the store. Kroger hopes to begin construction this year and complete the work in 2007.

The proposed development will incorporate several properties bounded by Warsaw, McPherson, and Van Vey Avenues in East Price Hill. The company has obtained purchase agreements with the owners of several properties within the development area. However, closings are being held until it is determined whether the zone change will be approved.

On May 24, 2006, City Council passed a motion supporting a zoning change study to accommodate the Price Hill Kroger development. The petitioner has requested that the entire site be rezoned from an SF-2 Single-Family District and CC-M Commercial Community-Mixed District to CC-A Commercial Community Auto-Oriented District. Rezoning this property to CC-A will allow the property owner to replace and upgrade the existing Kroger store.

Previously, the targeted parcels enjoyed 4 different zoning districts namely: B-3, R-4, R-4(T), and R-3. The B-3 and R-4(T) facilitated business establishments and were replaced by the CC-M District. The R-3 and R-4 zoning accommodated housing along Van Vey Avenue and were replaced by the SF-2 as stipulated in the current Zoning Code enacted by City Council

on February 13, 2004. The B-3 zoning is equivalent to the CC-M zoning that is currently on the majority of property. The CC-M District was selected in the current zoning code because of the character of properties along Warsaw Avenue. The CC-M and CC-A districts typically accommodate larger scale retail and commercial services. However, the CC-M district will not allow gas pumps. Therefore, the CC-A district is necessary to accommodate this project.

FINDINGS:

Existing Use: The study area includes residential and commercial uses. The key property contains the existing Kroger Store building which is located at 960 Enright Avenue. Commercial uses are present on the site to be rezoned and along Warsaw Avenue north of the said property. Single and two-family residences also surround the development site particularly on the east, south and west. Multi-family residences and mixed uses exist on the north portion of the study area. A map depicting the zoning and property layout is attached.

Proposed Use: The purpose of this request is to rezone parcels to allow the property owner to operate a larger, new Kroger Store consisting of approximately 63,000 square feet at their current location. See attached sketch titled Preliminary Kroger Proposal prepared by Paul Hemmer Companies.

Analysis: The change of zoning was discussed at the East Price Hill Improvement Association meeting and the consensus was to allow the petitioner to re-establish the proposed business within an appropriate zoning district. Issues raised by the association were either addressed at the Public Staff Conference held on June 15, 2006 or will be addressed at meetings between the Kroger representatives and the East Price Hill Improvement Association. Similarly, the Price Hill Will, a local neighborhood development corporation, supports the zoning change needed to facilitate the expanded Kroger store at that location.

The CC-M District prohibits drive through and fuel sales while CC-A permits these uses. Any reduced required buffer yard set backs will require Hearing Examiner approval. Staff also considered other zoning designations that could allow the proposed business including the CC-P Commercial Community-Pedestrian District which adjoins the development site on the north. The CC-P is deemed inappropriate because it prohibits or limits the uses proposed by the petitioner. A chart describing the two zoning districts (CC-M and CC-A) is attached.

The Department of Transportation and Engineering has been involved in the discussions regarding the proposed project. Depending on the final site plan, traffic improvements such as a signal at McPherson and Warsaw may be warranted.

Community Response:

The East Price Hill Improvement Association (EPHIA) supports the zoning study and change of zoning as described in this report. A letter from the community supporting the Kroger's future expansion is attached. The EPHIA wants the Kroger store to continue serving the community and the surrounding area.

Similarly, Price Hill Will expressed support for the zone change and the proposed project. See the attached letter.

PLANS:

The proposed zone change supports the goals and policies of the East Price Hill NBD Urban Design Plan dated May 2000 and The Coordinated City Plan, Volume 2: Strategies for Comprehensive Land Use created December 1980. Re-establishing and constructing a new grocery store at the site will support the goals and objectives of the above plan.

Conclusions: Staff asserts that CC-A should be adopted since it is in keeping with the goals of the community, will accommodate the proposed development, and is supported by the East Price Hill Improvement Association and Price Hill Will. Furthermore, rezoning the area from SF-2 and CC-M to CC-A will stabilize and enhance the area resulting in greater compatibility with the existing commercial development sustained by Warsaw Avenue. The staff supports the proposed zone change to CC-A for the following reasons:

1. Adopted plans, including the East Price Hill NBD Urban Design Plan dated May 2000 and the Coordinated Comprehensive Plan, Volume 2: Strategies for Comprehensive Land Use recommend specific uses including business development for the area.
2. The East Price Hill Improvement Association and Price Hill Will support the proposed business and the rezoning of this property to CC-A.
3. The proposed CC-A Commercial Community-Auto Oriented District permits the proposed uses.
4. The proposed development is compatible with the surrounding area and will help to revitalize the neighborhood.
5. The benefits of the proposed project and zone change far outweigh any potential impacts.

RECOMMENDATION:

The staff of the City Planning Department recommends that the City Planning Commission take the following actions:

1. Approve a zone change for the property south of Warsaw Avenue between McPherson and Enright Avenues from a CC-M Commercial Community-Mixed District to a CC-A Commercial Community Auto-Oriented District.
2. Approve a zone change for property on McPherson, Van Vey, and Enright Avenues from an SF- 2 Single-Family District to a CC-A Commercial Community Auto-Oriented District.

APPROVED:

Respectfully submitted,

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Community Development and Planning

Felix F. Bere, AICP
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Attachment

